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PATENT & TRADEMARK OFFICE

Navy Case No. 82,222 PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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| In re application of | : | |
| Usman A.K. Sorathia | : | |
| Serial No. 09/822,308 | : | Group Art Unit: 1712 |
| Filed: March 29, 2001 | : | Examiner: Michael J. Feely |
| For: FIREPROOF PROTECTION INTEGRATING FABRICATION SYSTEM FOR COMPOSITE STRUCTURES | : | Confirmation No. 7684 |

**REPLY BRIEF**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated Sept. 3, 2003, appellant hereby submits this Reply Brief pursuant to 37 CFR 1.193(b)(1) for consideration by the Board of Patent Appeals and Interferences with respect to the Final Office action dated April 9, 2003 in the above identified application.

According to the Examiner's Answer a critical question in dispute relates to interpretation of the disclosure in the Day et al. U.S. Patent Application Publication of record relied to finally rejection claims 17, 19 and 20 on appeal as anticipated under 35 U.S.C. 102(e). Such disputed question is: Does the outer skin 37 as disclosed in the Day et al. publication constitute a barrier infused with a fire resisting agent after formation and before its attachment to the inner skin 36 as a substrate during fabrication of the composite structure 30.

Without dispute the Day et al. publication discloses the outer skin 37 attached to the inner skin 36 by curing of an adhesive barrier film 41, after which the outer and inner skins are placed in a closed mold through which a fire resisting resin is infused into the outer skin 37. While it is

true that such infusion of the fire resisting agent takes place after formation of the outer skin 37 as pointed out on page 4 of the Examiner's Answer, that is no basis for concluding that the outer skin 37 is the barrier as called for in all of the claims 17, 19 and 20 on appeal since it is only the adhesive film 41 between the inner and outer skins that is expressly referred to as a "barrier" in the Day et al. publication. The Examiner therefore resorts to misinterpretation by switching of terminology, since no there is no resin infusion into the adhesive film 41 referred to as a "barrier" in the Day et al. publication.

Furthermore the Day et al. publication in paragraph [0058] refers to: "heat generated by curing of the--resins also advances the cure of the adhesive film, thus providing a structural bond between the inner and outer skins". Thus, the latter referred to portion of the disclosure in the Day et al. publication is contrary to the purpose for infusion of resin into the barrier 12 placed between an outer skin 20 and substrate or inner skin 12 pursuant to the present invention as called for by the claims on appeal, especially in view of certain additional interrelated limitations of claims 19 and 20 on appeal. Thus claim 19 on appeal specifies in this regard: "attaching of the barrier to the substrate is performed by an adhesive", pursuant to one embodiment of the present invention, while claim 20 on appeal specifies: "introducing of the fire resisting agent is performed by infusion--during forming of the substrate to effect said attaching--without using an adhesive", pursuant to another embodiment.

In view of the foregoing arguments and the factual factors associated therewith, the final rejection of claims 17, 19 and 20 on appeal is based on hindsight conjecture with respect to what constitutes the "barrier" as disclosed in the Day et al. publication, into which the fire resisting agent is infused after its formation. The final rejection of claims 17, 19 and 20 on appeal under 35 U.S.C. 102(e) as set forth in the final Office action should therefore be reversed.

Respectfully submitted,

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